IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Bail Appl..No. 304 of 2007()

Crime No.669/06 of Chalakkudy Police Station

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: PETITIONER/ACCUSE NOS.3 & 4

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1. RAJESH, SON OF KAMALASANAN,
   MAMBULLIL HOUSE, THUMBAMANTHAZHAM DESOM,
   MEZHUVELI VILLAGE, PATHANAMTHITA DISTRICT.

2. BIJU MATHEW, SON OF MATHAI,
   BIJU BHAVANAM, KULANADA DESOM,
   KOZHENCHERY.

BY ADV. SRI.A.C.DEVY

RESPONDENT: STATE & COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.304 of 2007

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Dated this the 19th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 3 and 4 in Crime No.669 of 2006 of Chalakkudy Police Station for an offence punishable under Section 395 I.P.C., seek their enlargement on bail. The occurrence took place on 6.11.2006 on which date, 26 sovereign of gold ornaments and cash worth Rs.2,300/- and along with other items were stolen from the house of the de facto complainant after committing house breaking. The petitioners were arrested on 6.11.2006.

2. The learned Public Prosecutor opposed the application mainly on the ground that the fourth accused is a habitual offender, who is involved in several other crimes. Having regard to the antecedents of the fourth accused, I am not inclined to grant bail to the fourth accused, who is the second petitioner herein. But in the case of the first petitioner, who is the third accused, since A2 in the same case has already been granted bail and A3 has no other previous antecedents, I am inclined to grant bail to the third accused. Accordingly, the third accused, namely, the first petitioner herein is directed to be released

on bail on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Chalakkudy and subject to the following conditions:

1. The first petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The first petitioner shall make himself available for interrogation as and when required by the Police till the filing of the final report.

3. The first petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The first petitioner shall not commit any offence while on bail.

If the first petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

In the result,this application is allowed in part granting bail to A3, but dismissing the request for bail so far as A4 is concerned.

V.RAMKUMAR, JUDGE.

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